



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
January 24, 2012**

The Planning Commission convened in a regular meeting on January 24, 2012 @ 301 W. 2nd Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:06 p.m.

Board Members in Attendance:

Dave Sullivan – Chair

Dave Anderson

Danette Chimenti

Mandy Dealey

Richard Hatfield

Alfonso Hernandez

Jean Stevens

Donna Tiemann

Jeff Jack – Ex-Officio member

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The commission may not conduct a closed meeting without the approval of the city attorney.

Private Consultation with Attorney – Section 551.071

A. CITIZEN COMMUNICATION: GENERAL

B. APPROVAL OF MINUTES

1. Approval of minutes for January 10, 2012.

The motion to postpone to February 14, 2012 by the request of staff, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

C. PUBLIC HEARING

- 1. Briefing and Request for Recommendation on a Consent Agreement:** **C12M-2010-0003**
C12M-2010-0004
C12M-2010-0005
C12M-2010-0006
C12M-2010-0007 - Pilot Knob MUDs 1-5
- Location: Briefing and Request for Recommendation on a Consent Agreement, Cottonmouth Creek, North Fork Dry Creek, South Fork Dry Creek, and Marble Creek Watershed, n/a NPA
- Owner/Applicant: Carma Easton, Inc. (Shaun Cranston)
- Agent: Armbrust & Brown, PLLC (Sue Littlefield)
- Request: Approval of a Consent Agreement to create a Municipal Utility District (MUD) in the City's Extra-territorial Jurisdiction, to be known as Pilot Knob Municipal Utility District 1-5
- Staff Rec.: **Recommended**
- Staff: Virginia Collier, 974-2022, virginia.collier@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 14, 2012 by the request of Planning Commission, was approved by Commissioner Mandy Dealey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 2. Briefing and Request for Recommendation on a Consent Agreement:** **C12M-2011-0003**
C12M-2011-0004
C12M-2011-0005
C12M-2011-0006 - Southeast Travis County MUDs 1-4
- Location: Briefing and Request for Recommendation on a Consent Agreement, Dry Creek East Watershed, n/a NPA
- Owner/Applicant: Qualico CR, LP (Vera Massaro)
- Agent: Armbrust & Brown, PLLC (Sue Littlefield)
- Request: Approval of a Consent Agreement to create a Municipal Utility District (MUD) in the City's Extra-territorial Jurisdiction, to be known as Southeast Travis County Municipal Utility District 1-4
- Staff Rec.: **Recommended**
- Staff: Virginia Collier, 974-2022, virginia.collier@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 14, 2012 by the request of Planning Commission, was approved by Commissioner Mandy Dealey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

3. Code Amendment: C20-2010-017 - Short Term Rentals

Location: Citywide
Owner/Applicant: City of Austin
Agent: Robert Heil (PDR)
Request: Conduct a public hearing and consider an ordinance amending the City Land Development Code addressing the short term rental of residential units.

Staff Rec.: **Postponement to April 24, 2012**
Staff: Robert Heil, 974-2330, Robert.Heil@AustinTexas.gov;
Planning and Development Review Department

The motion to postpone to April 24, 2012 by the request of staff, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

4. Code Amendment: C20-2011-036 - Land Use Determination

Location: Citywide
Owner/Applicant: City of Austin
Agent: Robert Heil (PDR)
Request: Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1 (General Requirements and Procedures) and 25-2 (Zoning) to: (A) establish appropriate requirements for the issuance, notification, and appeal of zoning use determinations; and (B) require that use determinations be made either concurrent with issuance of a development approval or as part of a pre-permitting review process that provides for public notice.

Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, Robert.Heil@AustinTexas.gov;
Planning and Development Review Department

The motion to postpone to February 14, 2012 by the request of an industry stakeholder, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 5. Code Amendment: C20-2011-037 - Alternative Financial Services**
 Location: Citywide
 Owner/Applicant: City of Austin
 Agent: Robert Heil (PDR)
 Request: Conduct a public hearing and consider an ordinance amending the City Land Development Code to regulate the location and use of buildings and land for alternative financial services businesses.
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@AustinTexas.gov;
 Planning and Development Review Department

The motion to postpone to February 14, 2012 by the request of a representative of an impacted business, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 6. Neighborhood Plan: NP-2011-0029 - St. John/Coronado Hills Combined Neighborhood Plan**
 Location: U.S. Highway 183 on the north, U.S. Highway 290 on the southeast, and Middle Fiskville Road to East Huntland Drive to Twin Crest Drive to East Croslin Street and generally along the lot line to U.S. Highway 183 on the west; Tannehill Branch, Fort Branch, Buttermilk Branch, Little Walnut Creek Watersheds.
 Owner/Applicant: City of Austin
 Agent: Planning and Development Review Department
 Request: To approve the St. John/Coronado Hills Combined Neighborhood Plan and the St. John/Coronado Hills Future Land Use Map
 Staff Rec.: **Recommended**
 Staff: Dee Dee Quinnelly; Greg Dutton, 974-2976; 974-3509;
kathryn.quinnelly@austintexas.gov;
greg.dutton@austintexas.gov;
 Planning and Development Review Department

The motion to approve the St. John/Coronado Hills Combined Neighborhood Plan as recommended by staff except for FLUM tracts 53, 54, 57, 58, 60, 108, 115, 116, 117, 118 and 119, which were discussed separately.

- For Tract 53 & 54: approved commercial land use;
 - For Tracts 57, 58 and 60: approved mixed use land use;
 - For Tract 108: approved office land use; and
 - For Tracts 115, 116, 117, 118 & 119: approved mixed use land use.
- Motions made by different Commissioners, see motion sheet.

- 7. Plan Amendment: NPA-2011-0015.01 - Tillery Street**
 Location: U.S. Highway 183 on the north, Cameron Road on the east, U.S. Highway 290 on the south and Middle Fiskville Road to East Huntland Drive to Twin Crest Drive to East Croslin Street and generally along the lot line to U.S. Highway 183 on the west; Tannehill Branch, Forth Branch, Buttermilk Branch Watersheds
 Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
 Agent: Richard H. Crank
 Request: Mixed Use to Commercial
 Staff Rec.: **Not Recommended**
 Staff: Maureen Meredith, 974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

This item was pulled from this agenda and replaced on the addendum.

- 8. Rezoning: C14-2011-0116 - Coronado Hills Neighborhood Plan Area Rezoning**
 Location: U.S. Highway 183 on the north, U.S. Highway 290 on the southeast and Cameron Road on the west; Fort Branch, Buttermilk Branch, Little Walnut Creek Watersheds
 Owner/Applicant: City of Austin
 Agent: Planning and Development Review Department
 Request: To approve rezonings that implement the land use recommendations of the Coronado Hills Neighborhood Plan on 11 tracts of land (79.2 acres out of 353 total acres).
 Staff Rec.: **Recommended**
 Staff: Dee Dee Quinnelly; Greg Dutton; Wendy Rhoades, 974-2976; 974-3509; 974-7719, kathryn.quinnelly@austintexas.gov; greg.dutton@austintexas.gov; wendy.rhoades@austintexas.gov; Planning and Development Review Department

The motion to approve staff’s recommendation to approve the rezoning with the following tracts discussed separately: Tracts 108, 113, 114, 115, 116, 117, 118 and 119.

- For Tracts 108, approved GO-NP;
- For Tracts 113, approved GR-NP & CS-NP;
- For Tracts 114, approved CS-NP;
- For Tracts 115, 116, 117, approved GR-MU-NP;
- For Tract 118, approved LR-MU-CO-NP; and
- For Tract 119, approved LR-MU-NP.

Action also includes recommending adoption of Small Lot Amnesty for the entire Coronado Hills NPCD, Residential Infill on Tracts Y, Z, and AA; Neighborhood Urban Center on Tracts W and X, Cottage Lot and Urban Home Infill as described in the Coronado Hills Subdistrict. Action also includes recommending adoption for the entire Coronado Hills NPCD for the following design tools: impervious cover and parking placement restrictions, garage placement, and front porch setback.

Motions made by different Commissioners, see motion sheet.

- 9. Plan Amendment: NPA-2011-0002.01 - Jaylee Ltd.**
Location: 1605 and 1645 East 6th Street; Town Lake Watershed, East Cesar Chavez Neighborhood Plan & Plaza Saltillo Station Area Plan
Owner/Applicant: Jaylee Ltd.
Agent: Michele Hausmann
Request: TOD-Mixed Use to TOD-Mixed Use
Staff Rec.: **Staff recommendation is pending. Applicant requests indefinite postponement.**
Staff: Maureen Meredith, 974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

The motion to approve and indefinite postponement by the request of the applicant, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0, Commissioner Sandra Kirk was absent.

- 10. Plan Amendment: NPA-2011-0012.01 - 4020 Airport**
Location: 4020 Airport Boulevard, Boggy Creek Watershed, Upper Boggy Creek NPA
Owner/Applicant: Airport Boulevard Trust
Agent: Shaw Hamilton
Request: Mixed Use/Office to Commercial
Staff Rec.: **Staff recommendation is pending. Staff recommends postponement to February 28, 2012 Planning Commission hearing date.**
Staff: Maureen Meredith, 974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 28, 2012 by the request of staff, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 11. Plan Amendment: NPA-2011-0015.02 – Tillery Street**
Location: 2200 Tillery Street, Boggy Creek/Tannehill Branch Watersheds, East MLK Combined NPA
Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
Agent: Richard H. Crank
Request: Mixed Use to Commercial
Staff Rec.: **Not Recommended**
Staff: Maureen Meredith, 974-2695, Maureen.meredith@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 28, 2012 by the request of Neighborhood Association, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 12. Restrictive Covenant Termination:** **C14-84-361 (RCT) - Tillery Street**
- Location: 2200 Tillery Street, Boggy Creek/Tannehill Branch Watersheds, East MLK Combined NPA
- Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
- Agent: Richard H. Crank
- Request: To terminate public restrictive covenant for this property.
- Staff Rec.: **Recommended**
- Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 28, 2012 by the request of Neighborhood Association, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 13. Rezoning:** **C14-2011-0088 - Tillery Street**
- Location: 2200 Tillery, Boggy Creek/Tannehill Branch Watershed, East MLK Combined NPA
- Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
- Agent: Richard H. Crank
- Request: LO-MU-NP to CS-MU-NP
- Staff Rec.: **Recommendation of CS-MU-CO-NP**
- Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 28, 2012 by the request of Neighborhood Association, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 14. Rezoning:** **C814-2009-0099 - West Park PUD**
- Location: 7914-8023 West U.S. Highway 290 (except 7912 West U.S. Highway 290); Williamson Creek Watershed - Barton Springs Zone, Oak Hill Combined (West Oak Hill) NPA
- Owner/Applicant: Buffalo Equities, Ltd. (Rudy Belton)
- Agent: Coats Rose (Kelly Wright)
- Request: GR-CO-NP; PUD-NP to PUD-NP
- Staff Rec.: **Recommendation Pending; Indefinite Postponement request by the Applicant**
- Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us; Planning and Development Review Department

The motion to Indefinitely Postpone by the request of the applicant, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 15. Rezoning: C14-2011-0065 - The Austin Hotel**
Location: 800 and 804 Congress Avenue; Town Lake Watershed, Downtown NPA
Owner/Applicant: Gone to Texas Capital One, L.P. (David Kahn) The Karotkin Family Real Estate Trust (Doris Karotkin, Trustee)

This item was pulled from the agenda and replaced on the addendum.

- 16. Rezoning: C14-2011-0158 - Ethos Riverside**
Location: 2209 Maxwell Lane, Carson Creek Watershed, Montopolis NPA
Owner/Applicant: Marbella Development, LP (Mitchell Kalogridis)
Agent: Granite Development Services (Keith Parkan)
Request: SF-3-NP to SF-6-NP
Staff Rec.: **Recommended**
Staff: Stephen Rye, 974-7604, stephen.rye@austintexas.gov;
Planning and Development Review Department

The motion to approve staff's recommendation of SF-6-NP district zoning, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 17. Site Plan SPC-2011-0131A - Third Base**
Conditional Use Permit:
Location: 2712 West 6th Street, Building 2, Suite 210R, Johnson Creek/Town Lake Watershed, Old West Austin NPA
Owner/Applicant: Michael Tashnik, Third Base
Agent: Denise Reid
Request: Approval of a Conditional Use Permit for Late Hours
Staff Rec.: **Recommended**
Staff: Michael Simmons-Smith, 974-1225, michael.simmons-smith@austintexas.gov;
Planning and Development Review Department

The motion to DENY staff's recommendation for a conditional use permit, was approved by Commissioner Danette Chimenti's motion, Commissioner Donna Tiemann seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

18. Site Plan Conditional Use Permit with Variances:

SPC-2010-0367C - Southern Walnut Creek Hike and Bike Trail

Location: 10900 ½ Staked Plains Drive, Walnut Creek, Boggy Creek Watershed, Johnston Terrace, Govalle, MLK-183 NPA

Owner/Applicant: City of Austin - Public Works and Parks and Recreation Departments (Richard Duane)

Agent: MWM Design (Frank Del Castillo)

Request: Approval of a Conditional Use Permit with variances requested as follows: 1. To allow cut up to a maximum of 8 feet for bridge and box-culvert construction. (LDC Section 25-8-341). 2. To allow fill up to a maximum of 16 feet for bridge and box-culvert construction. (LDC Section 25-8-342). 3. To allow construction in a Critical Water Quality Zone (CWQZ). (LDC Section 25-8-392)

Staff Rec.: **Postponement request by staff to February 14, 2012.**

Staff: Sue Welch, 974-3294, sue.welch@austintexas.gov;
Brad Jackson, 974-3410, brad.jackson@austintexas.gov;
Planning and Development Review Department

The motion to postpone to February 14, 2012 by the request of staff, was approved on the consent agenda by Commissioner Danette Chimenti’s motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

19. Resubdivision: C8-2010-0138.0A - Andriotakis Subdivision, Resubdivision of Lot 23 of the Sam Huston Heights Subdivision

Location: 3609 Pennsylvania Avenue, Tannehill Branch Watershed, East MLK Combined NPA

Owner/Applicant: James & Diane Andriotakis (Moody Andrews)

Agent: Urban Design Group (J Segura)

Request: Approve the resubdivision of one lot into 4 single family lots on One acre.

Staff Rec.: **Recommended**

Staff: Sylvia Limon, 974-2767, sylvia.limon@austintexas.gov;
Planning and Development Review Department

The motion to approve staff’s recommendation for approval of the Andriotakis Subdivision, was approved by Commissioner Alfonso Hernandez’s motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 20. Resubdivision: C8-2011-0062.0A - IBM East Subdivision, Resubdivision of Block "A" Lots 1A & 2A; Amended Plat of Lots 1 & 2 Block "A"**
- Location: 11205-11501 Burnet Road, Walnut Creek Watershed, North Burnet/Gateway Combined NPA
- Owner/Applicant: IBM (Jack Zahriser)
- Agent: Bury & Partners, Inc. (Jonathan Neslund)
- Request: The approval of the IBM East Subdivision, Resubdivision of Block "A" Lot 1A & 2A and Amended Plat of Lots 1 & 2 Block "A", composed of 9 lots on 105.42 acres.
- Staff Rec.: **Pending**
- Staff: David Wahlgren, 974-6455, David.wahlgren@austintexas.gov; Planning and Development Review Department

The motion to postpone to February 14, 2012 by the request of staff, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

D. NEW BUSINESS

- 1. New Business: Initiate a Code Amendment - Mixed Use and Compatibility**
- Request: Discussion and possible action to initiate an ordinance to related to Mixed Use overlay districts and compatibility standards.
- Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov; Planning and Development Review Department

The motion to direct staff to initiate a code amendment for Mixed Use and Compatibility, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 2. New Business: Initiate a Code Amendment - McMansion Attic Regulations**
- Request: Discussion and possible action to initiate an ordinance to amend the McMansion regulations as they relate to attics and floor area calculations.
- Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov; Planning and Development Review Department

The motion to direct staff to initiate a code amendment for McMansion Attic Regulations, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 3. New Business: Initiate a Code Amendment - Cocktail Lounges on Rainey Street**
Request: Discussion and possible action to initiate an ordinance to make Cocktail Lounge a conditional use in the Rainey Street District.
Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov;
Planning and Development Review Department

The motion to direct staff to initiate a code amendment for Cocktail Lounges on Rainey Street, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 4. New Business: Initiate a Code Amendment - Heritage Trees**
Request: Discussion and possible action to initiate an ordinance to amend the Heritage Tree Ordinance
Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov;
Planning and Development Review Department

The motion to direct staff to initiate a code amendment for Heritage Trees, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 5. New Business: Initiate a Code Amendment - North Burnet Gateway (Two Story Minimum)**
Request: Discussion and possible action to initiate an ordinance to provide clarification to the definition of "two-story" and provide flexibility in the code to accommodate projects which may not be able to meet a full two-story requirement.
Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov;
Planning and Development Review Department

The motion to direct staff to initiate a code amendment for North Burnet Gateway (Two Story Minimum), was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 6. New Business: Initiate a Code Amendment - North Burnet Gateway (Sign Regulations)**
Request: Discussion and possible action to initiate an ordinance to amend provisions of the North Burnet Gateway District sign regulations.
Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov;
Planning and Development Review Department

The motion to direct staff to initiate a code amendment for North Burnet Gateway (Sign Regulations), was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 7. New Business: Initiate a Code Amendment - North Burnet Gateway (Subdistrict Map)**
Request: Discussion and possible action to initiate an ordinance to clarify the boundaries of the North Burnet Gateway subdistricts.
Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov;
Planning and Development Review Department

The motion to direct staff to initiate a code amendment for North Burnet Gateway (Subdistrict Map), was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

- 8. New Business: Initiate a Code Amendment - North Burnet Gateway (Water Quality Control)**
Request: Discussion and possible action to initiate an ordinance to amend Section 4.11.3 (A) of the North Burnet/ Gateway Regulating Plan related to Water Quality Control in the Urban Watershed.
Staff: Robert Heil, 974-2330, Robert.Heil@austintexas.gov;
Planning and Development Review Department

The motion to direct staff to initiate a code amendment for North Burnet Gateway (Water Quality Control), was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

E. SUBCOMMITTEE REPORTS

F. ADJOURNMENT

Chair Dave Sullivan adjourned the meeting without objection at 11:17 p.m.